

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

IN RE: OHIO EXECUTION
PROTOCOL LITIGATION

: Case No. 2:11-cv-1016

District Judge Edmund A. Sargus, Jr.
: Magistrate Judge Michael R. Merz

This document relates to:
Plaintiff Kareem Jackson

:

**REPORT AND RECOMMENDATIONS ON KAREEM JACKSON'S
MOTION FOR PRELIMINARY INJUNCTION**

This consolidated method of execution case is before the Court on Plaintiff Kareem Jackson's Motion for Preliminary Injunction against the use of Expired Drugs (ECF No. 2470).

A motion for preliminary injunctive relief is a dispositive matter on which a Magistrate Judge who is sitting without unanimous consent of the parties, must render a report and recommendation for disposition. 28 U.S.C. § 636(b).

The instant Motion was filed on September 10, 2019, when the parties had learned by deposition testimony that all execution drugs specified in the Execution Protocol (01-COM-11) had expired, but ODRC had not unequivocally committed to not using those expired drugs in Kareem Jackson's execution. However, on Defendants' Motion with the consent of Plaintiffs, the Court ordered those drugs destroyed (ECF Nos. 2487 and 2488) and Defendants have now filed the Declaration of Defendant Annette Chambers-Smith that the destruction is complete (ECF No. 2560).

Accordingly, Kareem Jackson's Motion for Preliminary Injunction should be denied as MOOT.

September 27, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140, 153-55 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).